

1710 Antiques - Collectibles

Windmill tower with motor tail, and well head. (605)589-3323.

1770 Home Appliances

Whirlpool washer & dryer, approximately 1-year old, white, used very little, paid \$1,050 asking \$700/OBO. (605)857-1472/(605)857-0903.

1775 Home Furnishings

MOVING SALE:
Everything must go!
Furniture: Mattress set, entertainment stand, coffee tables, lamp, sofa with 4 pillows, dresser. Make an offer. (609)651-0567 Yankton.

1820 Give Aways

Giveaway: 2” river rock, you load and haul away. Call (605)665-6780 leave message.

1840 Lost and Found

Found: Set of keys at 6pm near intersection by Wal-Mart on Friday, 6/21. Call, (605)857-1520.

Lost: Dome tent, 12th & Broadway, Yankton on July 7. Black & yellow call (605)660-5670.

1880 Produce

Yankton Fruit Program: Bing & Rainier cherries, Rival & Tilton apricots, blueberries. Call Evie to order by July 9. (605)665-4496.

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7+9+16+23
STATE OF SOUTH DAKOTA)
)SS

COUNTY OF YANKTON)

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

PRO 13-31
**NOTICE TO CREDITORS
AND NOTICE OF INFORMAL
PROBATE AND
APPOINTMENT OF
PERSONAL
REPRESENTATIVES**

IN THE MATTER OF THE ES-
TATE OF ERMA M. KREITZ-
INGER,
Deceased.

Notice is given by Sharon Kre-
itzing, whose address is 301
Bunker Lane, #23, Yankton, SD
57078, that she was appointed as
Personal Representative of the es-
tate of Erma M. Kreitzinger.

Creditors of Decedent must file
their claims withing four (4)
months after the date of the first
publication of this notice or their
claims may be barred.

Claims may be filed with the
Personal Representative or may
be filed with the clerk, and a copy
of the claim may be mailed to the
personal representative.

Dated at Yankton, South Da-
kota this the 28 day of June, 2013.

/s/: _____
Sharon Kreitzinger

Jody Johnson, Clerk of Courts
PO Box 155
Yankton, SD 57078
605-668-3080

David M. Hosmer, Attorney for
PR
PO Box 7051
Yankton, SD 57078
605-664-0494
davidhosmer@hotmail.com

7+2+9+16+23
STATE OF SOUTH DAKOTA)
)\$

COUNTY OF YANKTON)

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

CIV. 13-185

SUMMONS

**FIRST DAKOTA NATIONAL
BANK** in its capacity as Trustee
of the Nancy E. Schenk Revoca-
ble Living Trust dated November
11, 1996,
Plaintiff,
vs.

WILLARD MAUKSCH, JR.,
individually and in his capacity as
Personal Representative of the
Estate of Victor Mauksch,
WILLIAM J. BOBZIN in his
capacity as Special Administrator
of the Estate of Adolf Mauksch
III, **ELETHA MAUKSCH** indi-
vidually and in her capacity as
Personal Representative of the
Estate of Willard E. Mauksch,
CLAUDIA A. GEORGE,

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**ADOLF MAUKSCH IV,
KERRY L. MAUKSCH
PARKER, PAUL R.
MAUKSCH** and the unknown
heirs at law, devisees, legatees,
administrators or executors and
creditors of the following persons:
Victor Mauksch, Paul Mauksch,
Adolf Mauksch, III, Richard
Mauksch, Willard E. Mauksch
and Eletha Mauksch,

Defendants.

THE STATE OF SOUTH
DAKOTA TO THE ABOVE
NAMED DEFENDANTS:

You are hereby summoned and
required to answer the complaint
of the plaintiff, which was filed in
the office of the clerk of this court
in Yankton County, South Da-
kota, on the 8 day of May, th
2013, and which, among others,
prays for a judgment quieting the
title to and the determination of
all adverse claims against the
premises described in the com-
plaint, situated in Yankton
County, to wit:

One acre in the form of a square
in the Northeast Quarter of the
South Half of the Southwest
Quarter of Section 16,
Township 93 North, Range 57,
West of the 5th Principal
Meridian, Yankton County,
South Dakota.

You are required to serve a
copy of your answer to said com-
plaint on the undersigned at their
office in Yankton, South Dakota
no later than Tuesday, August 20,
2013; and if you fail to answer
said complaint within that time,
the plaintiff will apply to the court
for the relief demanded in the
complaint.

Dated this 26th day of June,
2013.

Sheila S. Woodward
Lindsay J. Hovden
Johnson, Miner, Marlow, Wood-
ward & Huff, Prof. LLC
200 W. Third St.
PO Box 667
Yankton, SD 57078
Telephone: (605)665-5009
Facsimile: (605)665-4788
E-Mail: sheila@jmmwh.com
Attorneys for Plaintiff

7+9
ZONING BOARD OF
ADJUSTMENT
YANKTON, SOUTH DAKOTA
JUNE 24, 2013

Regular meeting of the Zoning
Board of Adjustment of the City
of Yankton was called to order by
Chairman Wenande.

Roll Call: Present: Members Ak-
land, Balaalid, Gross, Hoffner,
Knoff, Sommer, and Woerner.
City Manager Nelson and City At-
torney Hosmer were also present.
Absent: Commissioner Carda.
Quorum present.

Action 13-07
Moved by Member Gross, sec-
onded by Member Woerner, to
approve the Minutes of the April
8, 2013, meeting.
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-08
Member Gross introduced a re-
quest from Matthew Welter, 206
East 16th Street, to consider a
variance from front yard setback
requirements in an R-3,
Two-Family Residential District
on the East 1/2 of the South 14
feet of Lot 6 and the East 1/2 of
Lots 7 and 8, Block 6, Hillcrest
Park Addition to the City of
Yankton, South Dakota, and set
July 8, 2013, as the date for a pub-
lic hearing.

Action 13-09
Moved by Member Knoff, sec-
onded by Member Woerner, that
the meeting adjourn at 8:02 p.m.
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Nancy Wenande
Chair

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ATTEST:

Al Viereck
Finance Officer
Published once at the approximate
cost of \$23.50.

7+9

CHAMBER OF THE BOARD
OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
JUNE 24, 2013

Regular meeting of the Board of
City Commissioners of the City of
Yankton was called to order by
Mayor Wenande.

Roll Call: Present: Commis-
sioners Akland, Balaalid, Gross, Hoff-
ner, Knoff, Sommer, and Woer-
ner. City Attorney Hosmer and
City Manager Nelson were also
present. Absent: Commissioner
Carda. Quorum present.

Action 13-147
Moved by Commissioner Akland,
seconded by Commissioner
Gross, to approve the Minutes of
the special meeting of June 3,
2013, and regular meeting of June
10, 2013.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

City Manager Nelson submitted a
written report giving an update on
community projects and items of
interest.

Debbie Bailey, 417 Pine, ap-
peared to complain about loud
music from bands playing outside
during the evenings/nights at the
Happy Hourz Bar. Terry Winter
also appeared to oppose the loud
music. Kathy Church appeared in
support of allowing bands to play
music outside at the bar. Ed
Gleich appeared to suggest baf-
fling the music somehow.

Action 13-148
Moved by Commissioner Woer-
ner, seconded by Commissioner
Knoff, that the following items on
the consent agenda be approved.
1. Approval of Peddler's
License
Consideration of Memorandum
13-120 recommending approval
of an application for a Peddler's
License for Southwestern Com-
pany for two (2) individuals to go
house-to-house selling educa-
tional books, software, and ma-
terials.

2. Transient Merchant Li-
cense and Special Events Dance
License
Consideration of Memorandum
13-122 recommending approval
of the applications from the His-
toric Downtown Yankton, Inc.
for:

- A) Transient Merchant Li-
cense for August 31, 2013;
B) Special Events Dance
License for August 31, 2013.
3. Transient Merchant Li-
cense
Consideration of Memorandum
13-121 recommending approval
of the application from the His-
toric Downtown Yankton, Inc.
for:
A) Transient Merchant Li-
cense for July 26, 2013.
4. Street Vendor of Food
Consideration of Memorandum
13-124 regarding Street Vendor of
Food License for Children's Thea-
tre for July 4, 2013.
5. Establishing public
hearing for sale of alcoholic bev-
erages

Establish July 8, 2013,
as the date for the public hearing
on the request for a Special
Events RETAIL (on-sale) Malt
Beverage and a Special RETAIL
(on-sale) Wine dealers License for
one day, July 9, 2013, from Heri-
tage Home - Cramer Kenyon, 509
Pine Street, Yankton, South Da-
kota.
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-149
This was the time and place for
the public hearing on Resolution
13-12, approving the special as-
sessment roll for Snow Removal,
Tree Trimming, and Abatement of
Abandoned and Dangerous Build-
ings. No one was present to speak
for or against adoption of the
Resolution. (Memorandum
13-116) Moved by Commissioner
Knoff, seconded by Commis-
sioner Akland, to adopt Resolu-
tion 13-12.

RESOLUTION 13-12
A RESOLUTION APPROVING
THE 2013 SPECIAL ASSES-
MENT ROLL FOR
SNOW REMOVAL, TREE
TRIMMING, AND ABATE-
MENT OF ABANDONED AND
DANGEROUS BUILDINGS

BE IT RESOLVED by the Board
of City Commissioners of the City
of Yankton, South Dakota:

SECTION 1. That the
special assessment roll for the as-
sessment of the property assess-
able for the snow removal, tree
trimming, and the abatement of

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abandoned and dangerous build-
ings in the City of Yankton, South
Dakota, is hereby approved and
the assessments as set out in said
special assessment roll approved
this date are hereby levied against
such property upon filing of said
special assessment roll in the of-
fice of the City Finance Officer.

SECTION 2. The as-
sessments set forth in the assess-
ment role will become due and
payable in one (1) annual install-
ment together with interest at a
rate prescribed by the Board of
City Commissioners, by resolu-
tion, per annum, in accordance
with SDCL 9-43.

The above assessments may be
paid without interest to the City
Finance Officer on or before De-
cember 13, 2013, thereafter, the
entire assessment may be paid
with interest from the date of fil-
ing with the City Finance Officer
at the rate established by resolu-
tion of the Board of City Commis-
sioners.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-150
This was the time and place for
the public hearing on the applica-
tion for a Special Events Malt
Beverage (on-sale) Retailers Li-
cense and a Special (on-sale) Wine
Retailers License for one day,
September 14, 2013, from The
Center (Christy Hauer, Ex-
ecutive Director), 900 Whiting
Drive, Yankton, South Dakota.
(Memorandum 13-117) No one
was present to speak for or against
approval of the license applica-
tion. Moved by Commissioner
Woerner, seconded by Commis-
sioner Sommer, to approve the li-
cense application.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-151
This was the time and place for
the public hearing on the applica-
tion for a Special Events Malt
Beverage (on-sale) Retailers Li-
cense and a Special (on-sale) Wine
Retailers License for one day,
October 6, 2013, from The
Center (Christy Hauer, Executive
Director), 900 Whiting Drive,
Yankton, South Dakota. (Memo-
randum of 13-118) No one was
present to speak for or against ap-
proval of the license application.
Moved by Commissioner Woer-
ner, seconded by Commissioner
Balaalid, to approve the license ap-
plication.
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-152
This was the time and place for
the public hearing on the applica-
tion for a Special Events RETAIL
(on-sale) Malt Beverage and a
Special RETAIL (on-sale) Wine
dealers License for one day, June
29, 2013, from Mount Marty Col-
lege, Inc., Mount Marty College
Campus, 1105 W 8th Street,
Yankton, South Dakota. (Memo-
randum 13-119) No one was pre-
sent to speak for or against ap-
proval of the license application.
Moved by Commissioner Akland,
seconded by Commissioner Woer-
ner, to approve the license applica-
tion.
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-153
Moved by Commissioner Woer-
ner, seconded by Commissioner
Balaalid, to approve the request
from Historic Downtown Yankton
to enact a Special Events Parking
Zone on Third Street from the al-
ley between Broadway and Cedar
Street to Douglas Avenue and on
Walnut from the midpoint be-
tween Second and Third Streets to
the southern edge of the Post Of-
fice between Third and Fourth
Streets during their annual “Rib-
fest” event on August 31, 2013,
from 3:00 a.m. to midnight.
(Memorandum 13-123)
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-154
Moved by Commissioner Gross,
seconded by Commissioner
Balaalid, to adopt Resolution
13-17. (Memorandum 13-125)

RESOLUTION 13-17
Conditional Use

WHEREAS, Laura
Schaeffer is the applicant for a
Conditional Use Permit on Lot 7,
Block 13 Willow Ridge Subdivi-
sion in the City of Yankton, South
Dakota. Address, 2913 Lakeview
Drive, and

WHEREAS, the above
described property is zoned R-2
Single Family in the Willow
Ridge residential Planned Unit
Development which allows condi-

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tional uses under the City of
Yankton's Zoning Ordinance No.
711 as amended, and

WHEREAS, this condi-
tional use request is necessary for
the property to be used as a day-
care facility and has been re-
viewed and recommended for ap-
proval by a vote of the City Plan-
ning Commission.

NOW, THEREFORE,
BE IT RESOLVED that the Board
of Commissioners of the City of
Yankton, South Dakota hereby
approves a Conditional Use Per-
mit for a daycare facility in accor-
dance with all applicable ordi-
nances and regulations applicable
to the above described property.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-155
Moved by Commissioner Woer-
ner, seconded by Commissioner
Sommer, to adopt Resolution
13-18. (Memorandum 13-126)

RESOLUTION 13-18
Plat

WHEREAS, it appears
from an examination of the Replat
of Unit 1, Unit 1A, Unit 2, Unit
2A, Unit 3, Unit 3A, Unit 4 and
Unit 4A, all in Lot 8, Block 8 of
Christensen Heights Addition to
the City and County of Yankton,
South Dakota. Hereafter to be
known as TL-1, TL-1A, TL-2,
TL-2A, T13, TL-3A, TL-4 and TL
4A, all in Lot 8, Block 8 of Chris-
tensen Heights Addition to the
City and County of Yankton,
South Dakota as prepared by John
L. Brandt, a registered land sur-
veyor in the State of South Da-
kota, and

WHEREAS, such plat
has been prepared according to
law and is consistent with the
City's overall Comprehensive De-
velopment Plan.

NOW, THEREFORE
BE IT RESOLVED by the Board
of City Commissioners of the City
of Yankton, South Dakota, that
the plat for the above described
property is hereby approved.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-156
Moved by Commissioner Woer-
ner, seconded by Commissioner
Sommer, to adopt Resolution
13-19. (Memorandum 13-127)

RESOLUTION 13-19
Plat

WHEREAS, it appears
from an examination of the Plat of
Mark Ryken Addition, in the S.E.
_ of the N.W. __, Section 18,
T94N, R55W of the 5th P.M.,
Yankton County, South Dakota
prepared by Thomas Lynn Week,
a registered land surveyor in the
State of South Dakota, and

WHEREAS, such plat
has been prepared according to
law and is consistent with the
City's overall Comprehensive De-
velopment Plan.

NOW, THEREFORE
BE IT RESOLVED by the Board
of City Commissioners of the City
of Yankton, South Dakota, that
the plat for the above described
property is hereby approved.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-157
Moved by Commissioner Woer-
ner, seconded by Commissioner
Akland, to adopt Resolution
13-20. (Memorandum 13-128)

RESOLUTION 13-20
Plat

WHEREAS, it appears
from an examination of the Plat
Cameron Tract 1 and Cameron
Tract 2 of Parcel 2 of Tract A of
Lot 5, of “Shore Estates” also re-
ferred to as “Shore Acres” and
Located in Accreted Sections 22,
23 and 27, Township 93 North,
Range 56 West of the 5th P.M.,
Yankton County, South Dakota,
as prepared by Johnson Engineer-
ing, Yankton, South Dakota, and

WHEREAS, such pre-
liminary plat has been prepared
according to law and is consistent
with the City's overall Compre-
hensive Development Plan.

NOW, THEREFORE
BE IT RESOLVED by the Board
of City Commissioners of the City
of Yankton, South Dakota, that
the preliminary plat for the above
described property is hereby ap-
proved.

Roll Call: All members present
voting “Aye;” voting “Nay:”

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None.
Motion adopted.

Action 13-158
Moved by Commissioner Som-
mer, seconded by Commissioner
Woerner, to adopt Resolution
13-21. (Memorandum 13-129)

RESOLUTION 13-21
Preliminary Plat

WHEREAS, it appears
from an examination of the Pre-
liminary Plat of Lots 1 to 9 of Par-
cel 1 of Quarry Pines Addition in
the NW _ of the NW _ of Section
16, T93N, R56W of the 5th P.M.,
Yankton County, South Dakota
prepared by Johnson Engineering,
a registered land surveyor in the
State of South Dakota, and

WHEREAS, such plat
has been prepared according to
law and is consistent with the
City's overall Comprehensive De-
velopment Plan.

NOW, THEREFORE
BE IT RESOLVED by the Board
of City Commissioners of the City
of Yankton, South Dakota, that
the plat for the above described
property is hereby approved.

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-159
Moved by Commissioner Woer-
ner, seconded by Commissioner
Gross, to approve Change Order
No. 2 from Daniels Residential,
Inc., for the Riverside Park Com-
fort Station Project, a decrease of
\$3,622.36 for a new contract total
of \$199,338.49, to accept the pro-
ject as complete, and to authorize
the City Finance Officer to issue a
manual check in the amount of
\$2,015.64 to Daniels Residential
Inc., Tea, South Dakota, as final
payment for the project. (Memo-
randum 13-114)
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-160
Moved by Commissioner Woer-
ner, seconded by Commissioner
Gross, to approve the following
“Vendor Use Policy” for the Meri-
dian Bridge and Meridian
Bridge Plaza Area:

No vendor will be licensed to sell
merchandise on the Meridian
Bridge when it is open to public
use. If a level of the bridge is
rented to be utilized for a vendors'
market, the rented level can be
utilized by vendors only during
the contracted rental times. Any
vendors renting the bridge area lo-
cated in South Dakota will be re-
quired to apply for a “Transient
Merchant License” through the
City Finance Office as regulated
by City and South Dakota State
law. Vendors utilizing bridge ar-
eas located in Nebraska, must
comply with Nebraska law. The
“Vendor Use Policy” for the Meri-
dian Bridge Plaza Area will re-
quire the vendor to get permission
from the City Manager to sell
merchandise in the plaza's green
space. No vendor will be allowed
to sell merchandise on any of the
trails located in the Meridian
Bridge Plaza Area. The vendor,
upon receiving City Manager ap-
proval, will be required to apply
for a “Transient Merchant Li-
cense” through the City Finance
Office. (Memorandum 13-115)

Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-161
Moved by Commissioner Som-
mer, seconded by Commissioner
Hoffner, to approve the proposal
from Marty Shukert of RDG Plan-
ning & Design, Omaha, Nebraska,
to update the 2007 version of the
Meridian Bridge Plaza Plan at a
cost not to exceed \$7,111.00.
(Memorandum 13-132)

Roll Call: Members present vot-
ing “Aye;” Commissioners
Balaalid, Gross, Hoffner, Knoff,
Sommer, and Woerner; voting
“Nay:” Commissioner Akland and
Mayor Wenande.
Motion adopted.

Action 13-162
Moved by Commissioner Gross,
seconded by Commissioner
Balaalid, to adopt the “General
Conditions for the Purchase and
Development of the Described
Tract in Section 7, T93N, R55W”
and “Declaration of Covenants”
for the sale of surplus land south
of Fire Station No. 2 on the west
side of the 2200 Block of Douglas
Avenue. (Memorandum 13-135)
Roll Call: All members present
voting “Aye;” voting “Nay:”
None.
Motion adopted.

Action 13-163
Moved by Commissioner Woer-
ner, seconded by Commissioner
Knoff, to approve City initiated
rezoning from R-2 Single Family
Residential to R-4 Multiple Fam-